IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.21290 of 2000

Between:

Sri Swamy Vivekananda English Medium School, Sri Hari Rao Street, Nagarajpet, Kadapa, Rep.by its Correspondent-B.N.Vijaya Nirmala, W/o.N.Reddaiah, 28 years, Kadapa.

...PETITIONER

AND

1. The District Educational Officer, Kadapa.
2. The Deputy Inspector of Schools, Urban Range, Kadapa.
3. Ideal English Medium School, 2/702, Nagarajpet, Kadapa, rep.by its Correspondent – L.Chandra Reddy.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus declaring the action of the respondents 1 and 2 in permitting the third respondent to run the school in the name of Ideal English Medium School without there being any permission from the concerned authorities, as illegal, improper, unjust and contrary to Section 20 of the A.P.Education Act 1982 and Rule of the A.P.Educational Institutions under Private Management Rules, 1993 and further direct the respondents 1 and 2 not to accord permission to the third respondent for establishing a School, which is being proposed to be established at a distance of 20 feet from the petitioner a detailed enquiry as required under Section 20 of the A.P.Education Act and Rule 4 of the A.P.Educational Institutions under Private Management Rules, 1993 before according permission if any to the third

respondent.

Counsel for the Petitioner: MR.P.GANGAIAH NAIDU

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following:

ORDER:

Sri Swamy Vivekananda English Medium High School, Sri Hari Rao Street, Nagarajpet, Kadapa is running a High School. It is alleged that the third respondent established a school without obtaining permission under Section 20 of the A.P.Education Act, 1982 ('the Act' for brevity) and that respondent Nos.1 and 2 did not take any action on the representation dated 12.09.2000 made by the petitioner. Therefore, the petitioner filed the instant Writ Petition seeking a direction to respondent Nos.1 and 2 not to accord permission to the third respondent as the third respondent has allegedly established school within a distance of 20 feet from the petitioner's school.

This Court while admitting the Writ Petition passed interim orders in W.P.M.P.No.27069 of 2000 dated 07.11.2000 directing the first respondent to take necessary action in furtherance of the show cause notice issued to the third respondent. It is now reported by learned Assistant Government Pleader for Education that after conducting enquiry, respondent Nos.1 and 2 granted permission to the third respondent on 25.05.2001. The petitioner is aware of the same, but instead of challenging the same by filing a separate Writ Petition, the petitioner filed W.P.M.P.No.27069 of 2001. Further under Section 89 of the Act, any person aggrieved by an order passed by any officer or authority, may file appeal to the Director of School Education within thirty days from the date of communication of such order to him. In view of the alternative remedy, this Court is not inclined to adjudicate the matter. It is made clear that as and when the appeal is filed by the petitioner against the order of the second respondent dated 25.05.2001, the Director of School Education shall entertain the appeal and pass appropriate orders after issuing notice to the third respondent.

The Writ Petition, with the above observations and directions, is disposed of.

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(V.V.S.RAO, J)

15th September 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The District Educational Officer, Kadapa.
2. The Deputy Inspector of Schools, Urban Range, Kadapa.
3. Two CCs to G.P. for School Education, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.